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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 March 2002, at 10.30 a.m.

Temporary Chairperson: Mr. DESPOUY (Argentina)

Chairperson: Mr. JAKUBOWSKI (Poland)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the fifty-eighth session of the Commission on Human Rights.

2. Reporting on his term of office, he said that the Commission's officers had maintained constant contact with each other between the sessions and also with other relevant bodies of the United Nations system. They had carried out no fewer than 11 major tasks, including the appointment of special rapporteurs and of two independent experts to engage in studies on such important topics as the elaboration of an international instrument for the protection of persons from enforced or involuntary disappearances and the forthcoming optional protocol to the International Covenant on Economic, Social and Cultural Rights. Their intersessional work had greatly increased and the time had, perhaps, come for an explicit recognition of the fact.

3. Relations with the special rapporteurs, the treaty bodies and the Sub-Commission on the Promotion and Protection of Human Rights had been most productive. Such contacts were an excellent way of coordinating activities and thus strengthening the protection of human rights.

4. The Commission had become one of the best known of human rights bodies: at its fifty-seventh session, it had been addressed by 5 heads of State and over 80 high dignitaries. Its high profile meant, however, that it was constantly putting its credibility to the test. Its working methods should, therefore, adapt to the changes in its standing. Complaints should be dealt with more vigorously and speedily and there should be less selectivity. Objective parameters for the characterization of conduct revealing serious or systematic human rights violations should be drawn up.

5. Much had happened during the past year. The situation in the Middle East had deteriorated and continued to do so. There had been hundreds of deaths and no peace efforts, although steps towards negotiations had recently been taken in the form of the proposal by the Crown Prince of Saudi Arabia, which, it was to be hoped, would lead to a lasting peace. In that connection, he welcomed the recent Security Council resolution 1397 (2002), with its vision of a region where two States, Israel and Palestine, lived side by side.

6. The terrorist attacks in the United States on 11 September 2001 provided a graphic illustration of the destructive power of irrationality and had shaken up the traditional ideas of security. There had followed the war in Afghanistan; the reconstruction of that country would present a new kind of challenge for the United Nations.

7. Armed conflicts had, for the most part, worsened and, in many of them, the illegal recruitment and participation of children were on the increase. The Commission should call on all States to ratify International Labour Organization (ILO) Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour. Inter-ethnic and religious conflicts had also increased throughout the world.

8. In his own country, the collapse of the economy and the resultant fury of the population at the loss of its savings had led to the fall of a democratically elected Government. Some of the actions that had occurred had endangered Argentine institutions and undermined the country's democracy. Argentina had rigorously applied the macroeconomic prescriptions of the world's leading financial institutions, and had paid the price for dismantling the State and undertaking a crash course in deregulation and privatization. Moreover, the conditions on which international assistance would be based might lead to even greater political instability.

9. The main lesson to be drawn from that situation was, as he had said in his inaugural address to the Commission, the importance of economic, cultural and social rights in strengthening democracy and the social fabric. In that address, he had expressed his profound concern at the growth of world poverty and its negative impact on human rights. The disparity between those who had everything and the growing number of those who had nothing was the cruellest and most disturbing aspect of the current globalization phenomenon.

10. One theme that would surely be frequently mentioned at the Commission's current session was the importance of respect for human rights in combating terrorism. Even when dealing with people who respected nothing except their own criminal motives, States should respect at the very least the international human rights standards. In the past, many Latin-American Governments had, by fighting the devil with his own weapons, merely turned the region into a vision of hell. The rule of law was essential in combating terrorism, not only on moral grounds but also on the purely practical grounds of preventing the generalization of violence and of isolating the terrorists.

11. There had been some positive changes on the international scene, such as the progress made by the open-ended working group on the right to development, and the Government of Mexico was to be commended for organizing the International Conference on Financing for Development which had just begun its deliberations. The award of the Nobel Peace Prize to the United Nations in the person of its Secretary-General bore witness to the Organization's standing in the world. The fact that the Rome Statute of the International Criminal Court would shortly come into force was a most important development. The imminent entry of Switzerland into the United Nations would be of great assistance to the Organization's work.

12. The independence of East Timor, which was due to be declared on 20 May 2002, was also of enormous significance. In January 2002, he had had the opportunity to visit the country and speak to political leaders, officials and large numbers of people who had suffered during the tragic events of 1999. After two years of peace, East Timor's experience deserved support and, indeed, could serve as a model for United Nations participation in the resolution of conflicts.

13. He welcomed the decision by the President of Indonesia to set up an ad hoc tribunal to try persons accused of human rights abuses in East Timor and the announcement that the sentences of the persons convicted of murdering three United Nations officials in West Timor had been increased. The normalization of relations between the peoples of East Timor and Indonesia, and the credibility of the Indonesian authorities, would depend on the outcome of the trials before the ad hoc tribunal. The willingness of those authorities to cooperate in investigating the murder of the Dutch journalist, Sander Thoenes, in Dili in 1999 was also to be commended.

14. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had presented the human rights community with a most difficult challenge. It should, however, be remembered not for its public vicissitudes but for its outcome: an extremely comprehensive and interesting document that would serve as a guide for national and international activity in combating discrimination. As for the follow-up, it had been agreed that he would himself write a report on the status of discussions on candidates for the five positions of eminent experts to consider the follow-up to the Durban Declaration and Programme of Action.

15. He wished to commend the growing number of countries welcoming the Commission's representatives and special rapporteurs. Visits by himself to the Russian Federation, particularly the Chechen Republic, and to Colombia, had been planned but his country's political circumstances and the Organization's financial difficulties had prevented the visits from taking place.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

16. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the current session was the last time she would address the Commission as High Commissioner for Human Rights. When she had agreed to extend her term of office, she could never have imagined how challenging a period the extra year would be. The events of 11 September, which she had characterized as a crime against humanity, had had a profound impact on the world and, in a very particular way, on the work of the Office of the High Commissioner for Human Rights (OHCHR).

17. The past year had highlighted once again the importance of having a strong and independent Office with a principled commitment to the universal application of human rights standards and the integrity to stand up and speak publicly about those issues in all States, even in the most difficult circumstances. Her voice might have been considered awkward at times, but she had always tried to follow the advice of the Secretary-General to "stay an outsider within the United Nations". Those words had been echoed, and welcomed, by human rights activists and supporters throughout the world, and she was grateful to the Secretary-General for his trust and support.

18. The events of 11 September 2001 had been of monumental consequence for the people of the United States and the victims, who had come from more than 80 other countries. Yet they had also represented an attack on the very system of international relations on which the Commission and the entire work of the United Nations was based. The buildings that had been destroyed could be replaced, but if the pillars of the international system were damaged or demolished they would not be so easily restored.

19. The foundations of that system lay in the Charter of the United Nations. The Universal Declaration of Human Rights and the corpus of standards that flowed from that historic statement of principles and goals provided the structure within which the system had developed. The 1993 World Conference on Human Rights had affirmed the integrity of the structure by recognizing the indivisibility of the individual's human rights and the legitimacy of international

concern for their protection. More recently, the United Nations Millennium Declaration had renewed the pledge of international cooperation in the context of a globalizing world and the acceptance by States of their collective responsibility to uphold the principles of human dignity, equality and equity at the global level.

20. Those international human rights standards were at some risk of being undermined and the Commission had a particular responsibility to defend them vigorously. Her Office had interacted constructively with the Counter-terrorism Committee established pursuant to Security Council resolution 1373 (2001). She had encouraged the Committee's members to circulate additional guidelines drawing the attention of Member States to the importance of adhering to the international human rights standards and to consider adding a human rights expert to the panel already assembled. It was the Commission, however, that had the primary responsibility to safeguard those standards, and she invited its members to consider whether it might be possible to establish a mechanism to monitor States' implementation of resolution 1373 (2001) from a human rights perspective. She offered full OHCHR support in that regard. It was important to remember that terrorism called for a response based not only on legislative and security measures but also on the armoury of common values, standards and commitments on universal rights that defined the world as one global community and made it possible to overcome differences.

21. Given the rise of Islamophobia and of expressions of anti-Arab and anti-Semitic sentiments in the wake of the events of 11 September, the valuable Programmes of Action that had emerged from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the United Nations Year of Dialogue among Civilizations needed to be fully implemented by all States. She was pleased that the General Assembly had given its support to the Anti-Discrimination Unit, which would provide a solid foundation for the work of OHCHR in combating racism and discrimination.

22. She had recently visited Afghanistan, a country that stood at a crossroads. After years of war and darkness, its people wanted to return to a time without abuse by their own leaders, the ability to choose their own destiny without foreign interference, and restoration of their place in the family of nations. International Women's Day in Kabul had been a remarkable opportunity to celebrate with the women of Afghanistan their determination to claim their rights and proper place in Afghan society.

23. A total of 90 people, including members of the Interim Administration, the Loya Jirga Commission and civil society from around the country, had participated in the first Afghan national workshop on human rights, convened in Kabul with the support of OHCHR and the office of the Special Representative of the Secretary-General for Afghanistan, to plan implementation of the core human rights provisions of the Bonn Agreement. The Chairman of the Interim Administration, Mr. Karzai, had taken a significant step during the workshop by announcing his commitment to establishing a truth commission to uncover the atrocities committed over two decades of war and to hold the perpetrators of past abuses of human rights accountable. Her Office was committed to assisting Afghanistan in that endeavour.

24. OHCHR was also committed to providing technical and financial support for the four standing working groups set up to focus on the establishment of an independent human rights

commission; accountability and transitional justice; human rights education; and women's rights. They would provide important links between the Interim Administration and civil society and a useful framework for discussing the best mechanisms for ensuring respect for the rule of law and human rights in Afghanistan.

25. The most pressing need in Afghanistan was human security. Kabul was relatively stable, thanks to the efforts of the International Security Assistance Force, but the rest of the country remained unsafe. Killing and looting was going on in the north, particularly, and women had told her that the militias currently in control of the area had subjected them and their young daughters to multiple rape. Mr. Karzai had sent a three-member commission to the area to examine the situation. The responsibility to restore human security lay with the Interim Administration, but she believed that, until it could effectively protect the people of Afghanistan, it was imperative to extend the mandate of the International Security Assistance Force beyond Kabul. The decommissioning of weapons was an urgent priority.

26. For the past two years, she had been engaged in a dialogue with the Russian authorities on the situation of human rights in the Republic of Chechnya of the Russian Federation. The authorities had provided her with information on many questions and, most recently, with detailed information on the investigation and prosecution of cases of alleged crimes committed, among others, by the military against civilians. While the small number of convictions was not yet commensurate with the scale of the allegations of serious human rights abuse and much remained to be done, there had been movement in a positive direction.

27. She welcomed the invitations to the Special Rapporteur on violence against women and the Special Representative of the Secretary-General for children and armed conflict to visit Chechnya. It was vital that invitations should also be extended as a matter of priority to the mechanisms on internally displaced persons, extrajudicial executions and torture. It was a matter of grave concern that reports continued to be received of serious abuses on both sides of that conflict. It was time to stop the cycle of violence. Both sides should sit down in good faith to seek a political settlement to the problems of Chechnya.

28. In May 2001, OHCHR had embarked on a human rights needs assessment for the Central Asia region, with a view to formulating a programme to assist the countries of the region in developing their national capacities to protect and promote human rights. Kazakhstan had received an expert delegation from OHCHR in December, and further missions were currently under way in Uzbekistan and Kyrgyzstan. Support from the offices of the United Nations and the Organization for Security and Cooperation in Europe (OSCE) in the region had been heartening and she hoped for a positive response from the Government of Turkmenistan concerning a similar delegation.

29. She had recently visited Egypt, Bahrain and Lebanon. She welcomed Bahrain's decision to accede to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The people of Bahrain deserved the encouragement and support of the international community as they embarked on a challenging national programme that covered the establishment of a democratically elected legislative body, women's rights to vote and to stand for election, the separation of powers, an independent judiciary, and safeguards for individual rights and freedoms.

30. Her discussions in the region had also focused on the worsening cycle of violence in the occupied Palestinian territories. Regrettably, the efforts of the international community, including those of the Commission, had not brought an end to the hostilities and Palestinians continued to be subjected to a wide range of human rights violations related to the ongoing occupation. Israel also continued to suffer from deliberate killings of civilians. She reiterated her call for international observers to be present on the ground as a deterrent to the violations of human rights in the occupied territories and also to promote human security against suicide and other attacks on Israeli civilians.

31. In Sierra Leone, her Office had been supporting the transition from conflict with technical cooperation in connection with the work of the Truth and Reconciliation Commission. She hoped donors would respond generously to her recent special appeal for resources to make it possible for that Commission to commence work as planned on 1 June 2002.

32. Zimbabwe had recently conducted a difficult election. On the African continent, some observers had declared their satisfaction with the election process, while other African observers had pointed to very serious flaws. The Commonwealth group, among others, had condemned political violence by government supporters. Before the election, she had expressed concern at the violence, intimidation and lack of respect for the rule of law and other democratic norms in Zimbabwe. Perhaps most worrying was the devastating effect that the political situation had had on the economic well-being of millions of poor Zimbabweans and its broader impact on Southern Africa. At a time when African leaders were coming together under the umbrella of the New Partnership for Africa's Development (NEPAD) - an initiative based on concepts of democracy, responsibility and good governance - such developments were particularly unwelcome. She hoped the Commission would find a way to address the issue from a human rights perspective.

33. The protracted conflict in Colombia had been lent a new urgency by the breakdown of the negotiation process between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC) and the recent assassination of Archbishop Duarte in Cali. Her Office was prepared to assume a larger monitoring role on the implementation of human rights and international humanitarian law throughout the country.

34. It was essential to continue to strengthen institutions in East Timor, which was looking forward to the full exercise of sovereignty in May 2002. OHCHR had engaged in a technical cooperation project with the United Nations Transitional Administration in East Timor (UNTAET) to strengthen national infrastructure for the promotion and protection of human rights, involving human rights training for police officers, judges, prosecutors, public defenders and lawyers.

35. Technical cooperation between OHCHR and the Government of Indonesia regarding the prosecution of human rights violations committed in East Timor in 1999 had been suspended,

pending revision of the Presidential Decree establishing an ad hoc human rights court. The court's jurisdiction was limited under the Decree to cases arising from the violence that had taken place after the popular consultation held on 30 August 1999 and excluded human rights abuses that had occurred prior to that date. Depending on how the current trials proceeded, however, it might be possible to offer technical support in the future.

36. The OHCHR programme of technical cooperation in China would continue with earlier work on human rights training for police, punishment for minor crimes and human rights education. New areas of work included training for judges and lawyers and prison administrators, activities in the provinces to promote economic, social and cultural rights, fellowships and support for academic institutions. While cooperation with China was progressing well, she had found it necessary to raise a number of human rights concerns with the Chinese authorities during her visit of November 2001.

37. OHCHR activities at the regional level had been strengthened by the appointment of regional representatives based in the United Nations regional commissions and in subregional institutions, so as to enhance the ability of OHCHR to serve and assist the Member States. Experience had shown that such a presence would enable her Office to be more efficient, more responsive to requests for advice, and more conscious of the need to follow up activities agreed upon under the regional human rights frameworks. Regional representatives would also provide much needed support for the work of OHCHR with United Nations country teams and help deepen contacts and cooperation with international, regional and non-governmental organizations.

38. OHCHR had continued to work with its United Nations partners over the past year to build further momentum around a human rights mainstreaming agenda. A number of expert meetings and seminars had been organized on issues such as human rights and the environment, bioethics and trafficking, and the Human Rights Strengthening (HURIST) joint programme had been revised in cooperation with the United Nations Development Programme (UNDP). Steps had also been taken to strengthen the work of OHCHR with United Nations country teams. Human rights specialists were becoming a standard component of peacekeeping and other United Nations operations.

39. Field work was an essential dimension of her Office's activities, whether in connection with the human rights elements of peacekeeping and peace-building or with respect to its own field presences. OHCHR staff on the ground - often working in very difficult and challenging circumstances - played an important role at the national level in creating or strengthening capacities and infrastructures for human rights promotion and protection.

40. The Secretary-General had recently launched a new phase of his plans to strengthen the United Nations and to make it a more effective organization capable of addressing the principles and priorities set out by world leaders in the Millennium Declaration. Part of that process would involve a comprehensive management review of the working methods and functions of OHCHR, to be carried out by the Office of Internal Oversight Services (OIOS). She welcomed the opportunity that would provide to move forward with the management of change process she had initiated in 2000, to evaluate the dynamic state of the United Nations human rights programme and to strengthen its capacity to further the Millennium Declaration priorities.

41. She recalled that, some years previously, the Commission had reviewed its own mechanisms. The true strength of such an institution was, however, determined by the values of its members as much as by the efficacy of its procedures. She wished to put forward an idea for consideration by the members of the Commission: that membership brought with it obligations as well as rights. It was not a question of legal obligations, which were already set down in international law and common to all. The point she wished to make was that, although the obligations established by the Charter of the United Nations and the Universal Declaration of Human Rights applied to every State, they should be felt most keenly and applied most rigorously by those which sat as members of the pre-eminent human rights forum. The Commission had a distinguished history of achievement, but for it to continue to enjoy the trust and respect of the broader international community, including civil society, then membership thereof should be clearly seen as meaning more than the protection of national interests.

42. The practical question that arose, however, was what the Commission's members could or should do to advance its credibility and its reputation.

43. One answer might be that States should use their period of membership to consider adhering to those human rights instruments to which they were not yet party and improving compliance with their treaty bodies reporting obligations. A growing number of States - 35 to date - had agreed to issue a standing invitation to all thematic rapporteurs. It would be a strong message if that list of States were to include all the members of the Commission.

44. It was also important to consider how the Commission's work at its current session would relate to other forthcoming United Nations events that were crucial to the realization of human rights around the world, such as the International Conference on Financing for Development, which was currently beginning in Mexico, the Permanent Forum on Indigenous Issues, which would be holding its first session at United Nations Headquarters in New York in May 2002, and the special session of the General Assembly on children, also to be held in May 2002. There were clear links between human rights, children and the World Summit on Sustainable Development, to be held in Johannesburg in August 2002: though all might agree on the idea of sustainable development, the question remained whether enough had been done to ensure that the planet would be fit for future generations.

45. Lastly, there was no doubt that the Commission had a heavy responsibility to take the lead in upholding international human rights standards in a new world environment threatened by terrorism and facing even the possibility that weapons of mass destruction might be deployed. She wished its members every success in their deliberations and looked forward to supporting them in the challenges they would face during the session.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

46. The TEMPORARY CHAIRPERSON invited the Commission to take up item 1 of its provisional agenda (Election of officers).

47. Ms. CEK (Croatia), speaking on behalf of the Eastern European Group, nominated Mr. Jakubowski (Poland) for the office of Chairperson.

48. Mr. NOGAWA (Japan), speaking on behalf of the Asian Group, Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, Mr. VEGA (Chile), speaking on behalf of the Latin American and Caribbean Group, and Ms. VIDRICAIRE (Canada), speaking on behalf of the Western European and Others Group, supported the nomination.

49. Mr. Jakubowski (Poland) was elected Chairperson by acclamation.

50. Mr. Jakubowski (Poland) took the Chair.

51. The CHAIRPERSON invited nominations for the three offices of Vice-Chairperson and for the office of Rapporteur.

52. Mr. VEGA (Chile), speaking on behalf of all the regional groups, nominated Mr. LEWALTER (Germany), Mr. NEME (South Africa) and Mr. SALLOUM (Syrian Arab Republic) for the offices of Vice-Chairperson and Mr. Duque Estrada Meyer (Brazil) for the office of Rapporteur.

53. Mr. Lewalter (Germany), Mr. Neme (South Africa) and Mr. Salloum (Syrian Arab Republic) were elected Vice-Chairpersons by acclamation and Mr. Duque Estrada Meyer (Brazil) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRPERSON

54. The CHAIRPERSON, having paid tribute to the work of the outgoing Chairperson and Bureau and expressed his gratitude for the dedication which the High Commissioner had brought to her office, thanked the Commission for the honour it had done to his country which had always supported the quest for freedom and justice and shown its devotion to the values of human rights.

55. The tragedy of 11 September 2001 had made it clear that the international community must be ready to face new challenges and, as the Secretary-General had stated to the Commission in 1998, that new emphasis must be placed on prevention. Universal values based on human rights played a role second to none in international relations and were the foundations of peace, justice, development, good governance, poverty reduction, growth, development and the prevention of conflicts. The quest for justice and the defence and promotion of human rights were at the heart of the Commission's mandate and it had therefore become one of the most important organs of the United Nations, as evidenced by the range of issues it discussed, the growing number of world leaders who appeared before it and the large number of delegations and eminent persons from civil society who participated in its work.

56. He recalled the vision that had led to the development of the Charter of the United Nations and noted that the initial task of the Commission in 1947 had been the drafting of an international bill of human rights which would have three main parts: a declaration, followed by treaties and then by measures of implementation. The first two parts had been achieved but implementation continued to be a challenge and everything possible must be done to ensure the full implementation of civil, political, economic, social and cultural rights. That initial vision had led to the development of principles and standards and the Commission, more than ever,

must be governed by the human rights norms it had itself helped develop and its members, while representing Governments, must also make a personal commitment to upholding and defending human rights in accordance with the Commission's mandate.

57. Cooperation based on dialogue and the willingness to listen to others were essential for the Commission to work effectively. The need to accept compromises from time to time should not be seen as negative but rather as a means of moving forward together. The Commission, during the United Nations Year of Dialogue among Civilizations, should set an example and make dialogue among civilizations one of its trademarks with a view to abolishing the hierarchy of civilizations and cultures. Within a context of shared values such as freedom and tolerance and respect for human rights, cultural and religious diversity should be a source of strength, not a cause for division or confrontation. Without a dialogue within and between civilizations and cultures, global prosperity could not be ensured, progress could not be sustained, and peace could not be lasting.

58. International cooperation must serve the needs of international protection efforts. The United Nations had set standards for international protection in cases of gross violations of human rights and the Commission should look closely at its protection activities and consider how international cooperation could work for their benefit. International protection efforts should be one of the basic principles of the culture of human rights and a key element of the dialogue between civilization and cultures. The promotion of human rights was not a vehicle for the uniformization of the world; on the contrary, the culture of human rights ensured protection for national cultures, religion and indigenous traditions.

59. Throughout the world, millions of people were victims of poverty, trafficking or conflict, were refugees or displaced persons or suffered as members of minorities or of indigenous peoples. The plague of international terrorism threatened the very fabric of international order and created an environment conducive to violations of human rights. In the name of conscience and human solidarity, international terrorism, based on co...empt for human life, must be denounced and eradicated. At the end of every session of the Commission, its members must ask themselves if they had always acted in good conscience and whether, in keeping with the ideals of the United Nations and with its position in the international human rights community, the Commission had played its part and done its utmost to ensure that the Universal Declaration of Human Rights was fully respected.

60. It was essential to modernize the Commission and all its members should consider how the performance of the Commission and the human rights programmes could be improved. The quest for modernization must, however, fully respect the principles of international law and the Commission's own rules. A key aspect must be the implementation of the international human rights treaties and the Commission must discuss how best to promote their full implementation by exchanging experience and sharing good practices.

61. Creation of a universal culture of human rights in the future required the education of the young and he urged members to take a close look at how successful the efforts undertaken in the context of the United Nations Decade for Human Rights Education had been.

62. The Commission had a heavy workload before it, including many contentious issues and he stressed that, for the session to be fruitful and productive, members must commit themselves to constructive and respectful dialogue. Inflammatory or insulting language must be avoided and participants must recall that the Commission's purpose was to solve problems, not aggravate difficulties. In the past, public attention and media coverage had focused primarily on difficult deliberations on country resolutions. That was understandable, since States had treaty obligations to respect human rights and violations of human rights thus often implied violations by States, which the Commission had a duty to deal with. However, there were many urgent general issues such as poverty, the rights of women, children and vulnerable groups, development, etc.. on the agenda also and efforts to protect, strengthen and promote all human rights would help to alleviate the burden of such problems and thus, to some extent, reduce suffering and strengthen solidarity.

63. Delegations should approach the Commission's work in a spirit of mutual goodwill and commitment to human rights. For his part, he would do his utmost to ensure success for the Commission's fifty-eighth session and looked forward to having the support of all participants to that end.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/2002/1 and Add.1 and 2)

64. The CHAIRPERSON drew attention to the provisional agenda (E/CN.4/2002/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure.

65. The agenda was adopted.

The meeting rose at 12.45 p.m.

UNITED NATIONS **E**

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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 March 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

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STATEMENT BY THE DEPUTY PRIME MINISTER OF CROATIA

ORGANIZATION OF THE WORK OF THE SESSION

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The meeting was called to order at 10.05 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SPAIN

1. Mr. PIQUÉ I CAMPS (Spain), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, paid tribute to the High Commissioner for Human Rights for her invaluable work and dedication and regretted that she was about to depart from her post.

2. The sessions of the Commission were an opportunity for reflection and decision-making on the various problems in the field of human rights, and the Union undertook to work to reinforce the role of the Commission and its capacity for initiative and action. The Union was aware of the links between peace and international stability on the one hand and respect for human rights on the other. It would approach the Commission's tasks in a spirit of cooperation and sincere commitment to improving the situation of human rights throughout the world and it called upon all Member States to increase their level of commitment to, and cooperation with, the Office of the High Commissioner for Human Rights (OHCHR), the treaty bodies and the special rapporteurs and representatives.

3. Despite the progress made since the proclamation of the Universal Declaration of Human Rights, there were many areas that still required attention and action. It was not enough to demand universal compliance with such basic civil and political rights as freedom of expression or freedom of religion and conviction. There was also a whole series of economic and social rights to be respected, which formed the very basis of social development and progress and were intrinsic to human dignity and the freedoms fundamental to the rule of law. All rights were not only universal but also indivisible, since material progress counted for nothing as long as entire countries were subject to tyranny, thousands of people were displaced, or discrimination on sexual or ideological grounds persisted.

4. That having been said, the Union had no intention of imposing its own rules of behaviour on other countries. Rights that were accepted as universal were demanded by human dignity itself and every State that had freely decided to become a party to conventional instruments must fulfil its specific obligations under those instruments. The Union had made great efforts to institutionalize and implement those rights and did not intend to evade its responsibilities in the matter. The formulation of a policy for international solidarity with the most disadvantaged, the difficulties experienced by immigrants in integrating into society, and the effective elimination of intolerance and xenophobia were just some of the challenges facing the peoples of Europe.

5. The scourge of terrorism all too frequently disregarded that most basic of human rights, the right to life. The inhuman cruelty of the terrible attacks of September 2001 had awakened the world to the need for concerted action to put an end to terrorism. That campaign must, however, be waged within a framework of complete respect for fundamental rights and freedoms and the rule of law. That was the only way to ensure that democratic values would prevail and that societies would be able to live in peace.

6. In a globalizing world, it was important not to remain passive in the face of human rights violations. Authoritarian regimes were becoming reluctant to apply cruel and indiscriminate repression policies against those fighting for the freedom and dignity of their people, because they knew that, sooner or later, they would be brought to justice by the international community. The establishment of special tribunals for Rwanda and the former Yugoslavia, and the institution of legal proceedings against former dictators had been important steps forward: human rights could not be considered internal affairs protected by borders and the principle of national sovereignty. The International Criminal Court, which the Union hoped would be established in the near future, would represent a new stage in the institutionalization and reaffirmation of universal human rights.

7. Discrimination continued to afflict many unprotected people around the world. International Women's Day had just been celebrated and it was important to remember how much remained to be done, not only with regard to discrimination itself - which the Union continued to fight - but also with regard to basic respect for women's dignity and freedom throughout the world. The same applied to the rights of children and older people: the Union hoped that the forthcoming special General Assembly session on children would make decisive advances and that the World Assembly on Ageing, to be held in Madrid in April 2002, would help consolidate the rights and well-being of a growing sector of the population that frequently found itself unprotected and living in precarious conditions.

8. The Union considered the death penalty and torture to be fundamental issues for analysis and discussion in the Commission. The death penalty was basically at odds with human dignity and the Union would continue to fight for its universal abolition and, where abolition was not yet possible, for moratoria and for non-application in cases involving minors or the mentally handicapped.

9. Torture was one of the most hateful and contemptible violations of human rights. The Commission would have an historic opportunity at its current session to make progress in the area of preventive action, since it was to consider the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which envisaged a mechanism of preventive visits. He paid tribute to the courage of the Chairperson-Rapporteur of the working group and said that the Union believed the text of the draft was a balanced one that should be preserved.

10. The Union hoped that the Commission's session would be an occasion, not for concealing problems, but for solving them together, and it offered its own efforts and openness to dialogue to that end.

STATEMENT BY THE MINISTER OF STATE IN CHARGE OF HUMAN RIGHTS OF TURKEY

11. Mr. ARSEVEN (Turkey) recalled that Turkey had been one of the founding members of the United Nations and the Council of Europe and one of the first 50 States to adopt the Universal Declaration of Human Rights. Universal values such as equality and respect for human dignity and human rights constituted the very foundation of his country's constitutional system.

12. The Commission's current session was taking place in a different atmosphere as a result of the tragic events of 11 September 2001, which had shown that terrorism was one of the most important problems facing the international community and required solidarity and urgent concerted action on the part of the international community. Turkey had itself suffered greatly from terrorism over the preceding two decades and had repeatedly stated that terrorism could not be justified and was not unique to any religion, nationality or geographical location. Time and again it had called for a fully fledged strategy against that menace, with the participation of all States and international organizations and without any double standards.

13. The painful experiences of the twentieth century had shown that peace and stability could be achieved only through respect for human rights, dialogue and cooperation and, as a member of organizations such as the Council of Europe, the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE) and a candidate for membership of the European Union, Turkey was striving to ensure global peace and stability and promote democracy and human rights. The need to protect human rights had assumed international dimensions which transcended national boundaries, although the protection and promotion of human rights were still primarily the responsibility of individual States.

14. At the domestic level, Turkey had launched a comprehensive reform process for the promotion and protection of human rights and, in 2001, a series of legal reforms had been enacted by Parliament to strengthen democracy, promote respect for human rights and fundamental freedoms, consolidate the rule of law and the independence of the judiciary and fulfil international obligations. The death penalty had been abolished except in times of war and imminent threat of war and for crimes of terrorism. It was noteworthy that no death sentence had been executed during the previous 18 years. The various reforms had been drafted in accordance with the provisions of the European Convention on Human Rights so as to ensure the highest possible standard of human rights protection and to meet the Copenhagen Criteria to be observed in preparation for membership of the European Union.

15. On 6 February 2002, enabling legislation had been adopted by Parliament, with the support of the opposition parties, to amend the Penal Code, the Anti-Terrorism Act and other laws. A new Civil Code which included provisions strengthening general equality, the right to association and the rights of the child had entered into force on 1 January 2002.

16. Administrative and structural arrangements were also being made to ensure the implementation of the new reforms and, for example, human rights councils, made up of representatives of civil society, had been established. A bill on the establishment of an ombudsman's office had been presented to Parliament and particular importance was being attached to human rights education for security forces, judges, lawyers, human rights trainers and the police. Administrative arrangements for the promotion of human rights were the responsibility of his Ministry in cooperation with the representatives of civil society and their joint efforts should greatly reduce human rights violations. His Government was determined to strengthen its cooperation with civil society.

17. Efforts were continuing to bring Turkish prisons into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners and the prison rules of the Council of Europe and the recommendations of the European Committee for the Prevention of Torture

regarding F-type prisons were also being considered. In addition, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination would soon be ratified by Parliament, thus making Turkey a party to all six of the principal international human rights treaties.

18. Since the early 1980s, the campaign against terrorism had delayed the reform process. However, the new atmosphere of peace had allowed the process to be accelerated. His Government was committed to eliminating the existing shortcomings and improving human rights practices and had opted for ensuring broad public support for amendments on sensitive human rights issues, a process which might be slow but was, in the end, healthier. The second democracy package, which included for example the right to broadcast in ethnic languages, would soon be debated in Parliament. It counted on the support and cooperation of the international community and, while welcoming constructive criticism, believed that self-serving and biased criticism was unproductive.

19. He urged rapid implementation of the decisions adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. With 4 million of its citizens living abroad, his Government would continue its efforts to protect them against discrimination and to ensure respect for the human rights of migrants, migrant workers and their families, including their integration into the host society while at the same time preserving their identities.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA

20. Mr. RUPEL (Slovenia), having endorsed the statement by the representative of Spain on behalf of the European Union, said that the vicious terrorist attacks of 11 September 2001 had made everyone realize how interdependent issues affected different parts of the world and how international cooperation was vital in areas such as the fight against terrorism, the universality of human rights, socio-economic equality and international justice.

21. Terrorism was a direct negation of human rights which must be fought by all available means. However, the fight against terrorism should not be conducted at the expense of existing human rights standards, since any erosion of human rights would be a triumph for the terrorists. There must be a commitment to open, tolerant and democratic societies, and special emphasis must be placed on respect for the international standards against discrimination, including those contained in the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The roots of terrorism should also be addressed, including socio-economic deprivation and the marginalization of large parts of the world's population through poverty, illiteracy or disease.

22. The universality of all human rights was the source of their strength. Massive abuses of human rights and violations of international humanitarian law were increasingly a matter of concern to the international community as a whole, as reflected in the important developments in international criminal justice. Not every crime against humanitarian law had been punished

but it was gratifying to see the perpetrators of the worst crimes in Rwanda and the former Yugoslavia being held to account in criminal tribunals. In that connection, full cooperation with the International Criminal Tribunal for the Former Yugoslavia was an international obligation that must be complied with if the past was to be confronted and true reconciliation achieved. More than ever, there was a need for an independent international criminal court; his country had therefore ratified the Rome Statute of the International Criminal Court and was looking forward to its entry into force.

23. His Government welcomed the recent initiatives to halt the vicious cycle of violence in the Middle East, particularly Security Council resolution 1397 (2002), with its affirmation of "a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders". It was also vital that both sides should conform to basic human rights standards and humanitarian law.

24. Turning to the situation in South-Eastern Europe, he welcomed the European Union-brokered agreement on a new relationship between Serbia and Montenegro, which was an important contribution to preserving peace and stability in the region and thus to its economic development and stability. He gave details of one particular project carried out by his Government to contribute to stability in the region: together with a number of partners, the Slovenian Ministry of Foreign Affairs had established a regional centre for the psychological and social well-being of children affected by armed conflicts in South-Eastern Europe. Another Slovenian project he mentioned briefly was the International Trust Fund for Demining and Mine Victims Assistance, which worked in States affected by armed conflicts in the Balkans.

25. His Government fully supported the standard-setting work of the Commission and the activities of its mechanisms. For example, as part of its preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it had submitted a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals. The Special Rapporteur on toxic waste and the Special Rapporteur on disability of the Commission for Social Development were both due to visit Slovenia in 2002. He hoped that agreement would soon be reached on the new optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would establish an international visiting mechanism, as well as on an international instrument covering involuntary disappearances.

26. As in any country, there were some deficiencies in the practical implementation of human rights standards in Slovenia. His Government held regular meetings with non-governmental organizations (NGOs), which drew its attention to such failings, pointing out, among other things, the need to ensure truly equal opportunities for women, who were under-represented in the political decision-making process, generally earned less than men and were sometimes the victims of domestic violence. Those meetings had also highlighted the growing problem of homophobia and the specific concerns of disabled persons. Such a dialogue was invaluable in the Government's endeavours to establish a society in which every citizen enjoyed equal rights protection and which thrived on and encouraged plurality as a positive force.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

27. Ms. LINDH (Sweden) paid tribute to Mrs. Robinson, the United Nations High Commissioner for Human Rights, for the integrity and independence she had shown in carrying out her difficult task, and said it was most regrettable that she would not be seeking a renewed mandate.

28. Human rights were a cornerstone of her Government's foreign policy, particularly in an age of economic globalization, when markets without borders needed to be balanced by values without borders. Although the promotion of human rights was one of the international community's priorities, violations of those rights continued to occur. Accession to international human rights instruments was important, but not enough: they must also be fully implemented. In that connection, the establishment of the International Criminal Court would be a crucial step towards strengthening international law and combating impunity.

29. The international community had to act when international law and human rights were violated in conflicts, such as the one in the Middle East, where the situation had become intolerable. Her Government was concerned at Israel's extrajudicial killings, summary executions and the use of excessive and indiscriminate force against civilians together with the attacks by the Israel Defence Force on ambulances and hospitals, in violation of the Geneva Convention. It was equally concerned at the Palestinian suicide bombings and terrorist acts against Israeli civilians. A political solution based on international law, including the relevant Security Council resolutions, and on the principle of land for peace must be found. She called on both parties to comply with their obligations under international and humanitarian law and human rights conventions: agreement on the establishment of an international monitoring mechanism would be a constructive step towards ensuring respect for those laws and instruments.

30. The international community had also to act when children were abused or when their rights to education, health care and safety were neglected. To protect the rights of children was to invest in the world's common future. Girls were in particular need of protection, against such things as violence, sexual abuse and female genital mutilation. The forthcoming special General Assembly session on children would give world leaders an opportunity to discuss the reality facing children in difficult situations and to consolidate the progress made in implementing children's rights. Her country would soon be ratifying the two optional protocols to the Convention on the Rights of the Child, and she urged other countries to do likewise.

31. Action was also needed to protect the rights of women. Trafficking in human beings, particularly the women and children sold into prostitution or forced labour, was a gross violation of human dignity: its causes must be addressed, as must the consequences for its victims. Her Government, which would soon be adopting a global strategy for combating the trafficking in human beings, supported projects to help persons at risk and to rehabilitate victims. There must be no impunity for the perpetrators of killings committed in the name of passion or honour. Empowering women was the key to justice, development and democracy, including in Afghanistan, where an end to discrimination against women and girls and the involvement of women in decision-making must be a priority in the rebuilding process.

32. Action must be taken to put an end to the death penalty, which was an unacceptable penalty in all circumstances, including in times of war and imminent threat of war. That barbaric practice was most evident in China, Saudi Arabia, the United States of America, the Islamic Republic of Iran, and Iraq, but it was still in use in many other countries and some Governments were considering reintroducing it. She urged them not to resort to that primitive form of punishment.

33. Action must be taken to prevent torture, which was never a means to search for the truth but always a way to cover up the shortcomings of society, and there must be no impunity for those who inflicted torture on others. Noting that the members of the European Union were in favour of adopting the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, she urged all countries to cooperate with the Special Rapporteur on the question of torture.

34. Action must be taken to safeguard freedom of expression, association and assembly. Knowledge was a prerequisite for people to be able to claim their rights, which was why the right to freedom of opinion and expression was so feared by dictators: in Belarus, for example, journalists were persecuted; in China, religious minorities were detained; in Turkey, Kurds were harassed; and in Zimbabwe, the recent elections had made a mockery of democracy.

35. Action must also be taken against discrimination. Diversity and the active participation of all members of society were crucial factors in stability and social cohesion. It was unacceptable that persons should be abused or discriminated against on grounds such as race, colour, sex, religion or ethnic origin. Discrimination on the grounds of sexual orientation, in particular, was a violation of several human rights.

36. Action must also be taken against terrorism, which was one of the worst threats to human rights and a threat to open democratic society. She welcomed the legislative and other measures adopted by many States in the aftermath of the 11 September 2001 terrorist attacks but said that the fight against terrorism should not be used as an excuse to repress political opponents, separatist movements or religious minorities. There was no trade-off between effective action against terrorism and the protection of human rights. She welcomed the High Commissioner's proposal to strengthen respect for human rights in the fight against terrorism within the United Nations and also the proposal that all members of the Commission should review their national situations.

37. Lastly, the Commission not only needed to speak out and take action but also to cooperate and to replace resistance with involvement. It must set its standards high, and it must deliver on its promises.

STATEMENT BY THE DEPUTY PRIME MINISTER OF CROATIA

38. Ms. ANTUNOVIĆ (Croatia) said that her Government was determined to pursue a policy of full openness to the international mechanisms for the protection and promotion of human rights. At the domestic level, it had set up the Human Rights Commission to prepare the

National Plan of Action for the Promotion and Protection of Human Rights. It had also established the Office for Human Rights, a permanent body that would coordinate all human rights activities in Croatia.

39. There was ongoing cooperation in human rights between Croatia and OHCHR: together with the European Commission, they had organized the International Conference on Human Rights and Democratization in Dubrovnik in October 2001, with the aim of reviewing regional cooperation on human rights and identifying possible areas for technical cooperation in Europe, Central Asia and the Caucasus. That cooperation between her Government and OHCHR, which had started in 1999 had proved most successful. Her country had benefited greatly from the Technical Cooperation Programme and believed that, by the end of 2002, all points of difficulty would have been settled.

40. Her Government participated in a number of regional initiatives and programmes, including the Stability Pact for South-Eastern Europe, and particularly the activities of Working Table 1 on Democratization and human rights. It had also signed a Stabilization and Association Agreement with the European Community in October 2001, formalizing the institutional ties between Croatia and the European Union. Croatia had ratified most United Nations and European human rights treaties, the standards of which had largely been incorporated into domestic legislation. Croatian courts had begun to take account of the provisions of such treaties and of judgements by the European Court of Human Rights.

41. Attempts were also being made to tackle the remaining post-war recovery issues, although economic difficulties continued to impede the return of refugees and the rehabilitation of war-affected areas. The United Nations High Commissioner for Refugees played a crucial role in the ongoing return process to and from Croatia and the Agenda for Regional Action 2001-2003, one of the most successful undertakings of the Stability Pact, was particularly useful in that regard. Demining was also a priority, for which international financial aid would be most useful.

42. Another conflict-related issue directly relevant to relations among the States of the region was the bringing to justice of perpetrators of war crimes. Her Government welcomed the extradition of the former President Milošević to the International Criminal Tribunal for the Former Yugoslavia and hoped that the same policy would be applied to the "Vukovar Three" and all other indicted war criminals.

43. Despite disagreement on the adoption of the final document, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had paved the way for further efforts to combat racism and other forms of discrimination. The outcome of the Conference should be implemented through national legislation and the elaboration of national plans and bodies to combat racism. Human rights education, especially for the young, was the best way to raise awareness. As part of its preparation for the Conference, her Government had established a working group that would soon be transformed into the National Committee for the Elimination of All Forms of Discrimination. A separate, independent working group, made up of law professors, would oversee anti-discrimination legislation. A National Plan of Action to

implement the Conference recommendations would shortly be elaborated. The Government had also taken steps towards making the declaration specified in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination

44. Her Government strongly supported the right of every person to conscientious objection to military service. The Commission should continue to call upon States to review their legislation and practices in that regard. Additional efforts should also be made to regulate anti-torture activities; domestic legislation should comply with international standards. Her Government supported the activities of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to establish an independent, international preventive mechanism to investigate places of detention. She urged all States to become parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Her Government had been actively involved in drafting Protocol No. 13 to the European Convention on Human Rights on abolition of the death penalty in all circumstances which, it hoped, would be widely accepted.

45. In the aftermath of the conflict in Croatia, her Government attached particular importance to the Convention on the Rights of the Child and welcomed the forthcoming special General Assembly session on children. In that context, she announced that her Government had decided to ratify both the Optional Protocols to the Convention. The country's National Human Rights Education Committee had also developed the National Programme on Human Rights Education, which would be adopted as an integral part of the regular school curriculum.

46. As a party to the Convention on the Elimination of All Forms of Discrimination against Women, her Government had strengthened its commitment by ratifying the Optional Protocol to the Convention. Recent changes to the Constitution had explicitly underlined the importance of gender equality. On the basis of the outcome of the twenty-third special session of the General Assembly, the Governmental Commission for Gender Equality, together with NGOs dealing with gender issues, had prepared a new National Policy for the Promotion of Gender Equality for the period 2001-2005. An Action Plan to implement the National Policy had also been approved. One immediate priority was to draft the relevant legislation, which should be completed during 2002. Another priority was to prepare a national strategy for combating all forms of violence against women.

47. Her Government was also taking steps to develop a national strategy to combat trafficking in women and children. Croatia not only lay on one of the main routes for people-trafficking but also risked becoming a destination country. The Government was therefore working on the establishment of a national committee to combat the problem.

48. Her Government had already clearly shown its readiness to join in the global struggle against terrorism. Respect for human rights and freedoms should, however, be ensured in the legitimate fight against international terrorism. She was confident that the Commission would provide appropriate answers to the current challenges.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3)

49. The CHAIRPERSON said that there appeared to be general support for the main rules and practices contained in the note by the secretariat (E/CN.4/2002/16), which were simply intended to ease the Commission's task and bring as much efficiency as possible to bear on its work. Such matters as the time allowed for each speaker were crucial if night meetings and long hours were to be avoided. He believed that one delegation had reservations concerning a few paragraphs of the document.

50. The Bureau had also given some careful thought to other, related issues, including the participation of NGOs in the Commission's work; in accordance with well-established practice, it would work closely with the Economic and Social Council Committee on Non-governmental Organizations by way of regular weekly meetings. NGOs should recognize that the existing rules must be implemented; delegations would then meet their requests halfway. He urged NGOs to be flexible so that the work of the Commission could proceed.

51. One of the Bureau's basic principles was transparency; when informing the Commission of the Bureau's work, he sought not to impose but merely to inform, in the interests of cooperative thinking.

52. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that respect for and the promotion of human rights was one of the main pillars of Islam and an important item of the OIC agenda. OIC had adopted resolutions condemning the violations of human rights of Islamic peoples in Palestine and the other occupied Arab territories, Jammu and Kashmir, and Bosnia and Herzegovina, the Armenian aggression against Azerbaijan and the inhuman isolation imposed on the Turkish Cypriot people. In its approach to its work within the Commission, OIC was imbued with the Islamic prescription of dialogue.

53. The Islamic world considered terrorism to be a grave violation of human rights and condemned it in all its forms and manifestations, including State terrorism. There must be a clear definition distinguishing terrorism from the legitimate struggles of peoples for the right to self-determination and against foreign occupation or alien and colonial domination. Attempts to exploit the aftermath of the terrorist attacks of 11 September 2001 in order to justify intensification of repression in Palestine and Kashmir, for example, should be condemned by the international community. OIC would seek action during the current session of the Commission to counter those who promoted Islamophobia and propaganda against Islamic values.

54. OIC was opposed to the use or threat of force against any Islamic country. The campaign to eradicate terrorism was unlikely to succeed if root causes such as foreign occupation, poverty, underdevelopment and the inequities in the international economic and social order were not addressed.

55. The Commission must assume its responsibility to halt the massive killings of innocent people in Palestine. The Islamic countries deeply resented Israel's failure to comply with the resolutions of the Commission and other United Nations bodies. The principles of international law and humanity must be observed. The best hope for a just peace in the Middle East lay with recent initiatives from the Arab and Islamic world.

56. OIC called for dialogue between India and Pakistan to reduce the current dangerous levels of tension and seek a just solution to the Jammu and Kashmir dispute. It was most concerned at the situation of Muslim communities in several other countries.

57. The OIC member States called for the Commission to rationalize its work by dealing with resolutions on a biennial basis and focusing on important current issues. They valued the services of the special rapporteurs and suggested that they should discuss the issues to be addressed in their future reports and present their reports in accordance with Economic and Social Council guidelines.

58. In the interests of transparency in negotiating resolutions, OIC urged sponsors to give serious consideration to the proposals of the Islamic countries.

59. OIC believed that the work of the Sub-Commission should be guided by the Commission's recommendations on the review of mechanisms. It also called for discontinuation of the practice of sharing confidential information under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) with the Commission on the Status of Women. Such exchanges had no legal basis and might violate the confidentiality of the procedure.

60. Lastly, he said that OIC deeply appreciated the role of NGOs in the promotion of human rights. They were encouraged to issue joint statements wherever feasible and to follow Economic and Social Council guidelines for their participation in the Commission's work.

61. Mr. NOGAWA (Japan), speaking on behalf of the Asian Group, stressed the continuing need to streamline and rationalize the Commission's methods of work. The Commission must make the best possible use of the time available by testing effective time-management methods, limiting additional and night meetings, avoiding parallel informal meetings, ensuring punctuality and facilitating and rationalizing NGO participation.

62. Even more importantly, the highest priority must be placed on creating an atmosphere of dialogue, cooperation, consultation, understanding and consensus-building to enhance the Commission's effectiveness and avoid politicization of its work, including under agenda item 9. That would lead to greater compliance and cooperation on the part of Member States and strengthen international cooperation for the promotion and protection of human rights. Accordingly, he urged the Chairperson, other groups and all delegations to facilitate transparent consultations on all draft resolutions by providing sufficient notice of time slots and avoiding parallel consultations as much as possible, in the interests of the smaller delegations.

63. While welcoming the participation of NGOs in the Commission's work his Group thought that their role must be clarified and unauthorized participation should be avoided so as to ensure that they made a positive contribution. The Secretariat should thus determine the status

of NGOs prior to the Commission's meetings and carefully examine requests to make statements. Joint statements should be encouraged and limits on the number and length of statements should be strictly observed; NGOs which were absent from the room at their allotted time should not be given another opportunity to speak on the same agenda item. The Secretariat should also strictly enforce the guidelines set out in Economic and Social Council resolution 1996/31. Such measures were essential for ensuring an atmosphere of dialogue and cooperation between Government delegations and NGOs, while maintaining the objectivity, representativeness and effectiveness of NGO participation.

64. Despite the concerns raised by his Group in the past, NGO accreditation procedures had not always been fully complied with and had even at times been abused, which had a negative effect on the Commission's proceedings and undermined the valuable contributions made by responsible NGOs. In the past, for example, some NGO representatives had misled fellow representatives into unwittingly subscribing to spurious documents and there was a definite need for transparent guidelines on the responsibility of signatories to documents. Politically motivated and scurrilous material should not be circulated and the Secretariat should resume its practice of editing all documents submitted by NGOs for circulation as official documents, in accordance with Economic and Social Council resolution 1996/31. Furthermore, NGOs not having consultative status with the Council should not be allowed to distribute documents during the Commission's session.

65. Any misuse of accreditation procedures or the rules of procedure should be addressed by an intergovernmental body such as the Committee on Non-Governmental Organizations in New York, although that would not prevent the Bureau from taking steps within the framework of the rules of procedure during the session. In that regard, and with a view to enhancing the transparency and credibility of NGOs at the Commission, the Secretariat should, in consultation with the Committee on Non-Governmental Organizations, circulate each year a list of NGOs which had been denied consultative status with the Economic and Social Council.

66. Concerning the interactive debates with special rapporteurs and other mandate holders, his Group took the view that such debates should follow the same pattern as in the Third Committee of the General Assembly and be restricted to States and mandate holders.

67. In keeping with the efforts being made elsewhere in the United Nations system to reduce the length of meetings, his Group once again suggested that the length of the Commission's sessions be reduced to four weeks. Measures such as the biennialization and clustering of agenda items, reduction of the number and length of resolutions, discontinuation of outmoded resolutions and strict observance of speaking time limits should be considered by the Bureau in consultation with the regional groups. It was also important that documents be distributed well in advance in order to ensure their proper consideration by delegations.

68. The Asian Group would spare no effort to cooperate with the Chairperson and the Bureau in handling the complex issues on the agenda in a harmonious and constructive way and hoped that its example would be followed by all other delegations in order to ensure the success of the fifty-eighth session.

69. Mr. FERNANDEZ PALACIOS (Cuba), having associated himself with the statement about to be made by the representative of Indonesia on behalf of the Like-Minded Group (LMG) and stressed the need to prevent the Commission from being used as a forum for efforts to promote political domination, said that, although a certain State had not been re-elected to the Commission, some other industrialized countries had seen fit to adopt its selective policy of demonizing the countries of the South. He nevertheless believed that the Commission's fifty-eighth session could be a turning point and open the way to true international cooperation on human rights.

70. He was especially concerned by the trend towards the establishment of rules of behaviour which supported the status quo and failed to take into account the need for debate and respect for differences. The note by the Secretariat on main rules and practices (E/CN.4/2002/16), for example, included some recent proposals which had not been accepted by consensus and tended to confirm certain negative practices in the Commission's work. Further in-depth review of the scope and possible consequences of the proposals contained in the note was necessary, particularly with regard to paragraphs 25, 26, 30, 32, 38, 41, 47, 48 and 54. Furthermore, other important issues, such as the organization of the special debate, had been omitted from that document.

71. The statistics in another note by the Secretariat (E/CN.4/2002/15) relating to the previous session revealed the Commission's increasing inability to work effectively. The growth in the number and length of documents made it more and more difficult to analyse properly the information provided. Informal consultations were becoming less and less effective and some delegations seemed to believe that they could think and take decisions on behalf of the countries of the South. His own delegation, however, would continue to exert its right to participate as a full member of the Commission.

72. Mr. WISNUMURTI (Indonesia), speaking on behalf of the Like-Minded Group (LMG) of countries comprising, Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Sudan and Viet Nam, stressed the need for the Commission to deal seriously with current situations which affected the entire international community, including the violations of the human rights of Palestinians in the occupied territories, and the issue of terrorism in the aftermath of the events of 11 September 2001. The spirit of cooperation arising out of the latter events should encourage Member States to promote dialogue and cooperation within the Commission. Regrettably, however, despite some improvement, discussions in the Commission remained prone to polarization and double standards seldom found elsewhere.

73. It was most disturbing that a disproportionate number of country-specific resolutions sponsored by certain countries or groups of countries targeted the developing countries alone, including several countries from the Like-Minded Group which had been singled out year after year despite their efforts to improve their human rights record. The Commission must adopt a more constructive approach based on dialogue and trust, in particular with regard to agenda item 9, and on restraint and courtesy, in order to promote understanding and cooperation.

74. Although he acknowledged that NGOs made a valuable contribution to the promotion of human rights around the world, a number of them persisted in targeting specific countries and distributing slanderous material for political ends during the Commission's sessions. All NGOs must comply fully with the guidelines laid down in Economic and Social Council resolution 1996/31, particularly those in paragraphs 30 and 31 of that resolution, in order to avoid any misuse of United Nations resources by third parties for propaganda purposes. Also, for the sake of greater transparency, the Secretariat should circulate a list of those NGOs denied consultative status before each session of the Commission.

75. With regard to the draft timetable, he was in favour of holding the votes on agenda items 8 and 9 on different days, as experience had shown that it was unrealistic to schedule the voting on the many resolutions related to those items and to agenda item 10 on the same day.

76. The theme of the special debate, and the choice of panellists, should be agreed upon by the Bureau in a transparent and democratic way. The panellists should be appropriately qualified and their selection should take account of equitable geographic and gender representation. The interactive debates with special rapporteurs during the session should follow the example of the those held in the Third Committee of the General Assembly and be exclusively debates between States and the mandate-holders.

77. Sponsors of draft resolutions should ensure that their texts were circulated to all Commission members as early as possible in order to give them time to respond constructively. Moreover, informal consultations on draft resolutions should not be scheduled simultaneously, as that made it very difficult for countries with small delegations to participate in the discussions.

78. The members of the Like-Minded Group were much concerned at the increasing problems with the Commission's documentation, which had reached unacceptable levels at the current session. Notwithstanding the rules on the circulation and translation of documents as laid down by the General Assembly and the resolutions of the Commission and other bodies, documents were issued extremely late or were unavailable in the six official languages - or even in the three working languages - while NGO statements were sometimes issued only in their original language even when submitted in good time.

79. He stressed that, if OHCHR was to play a central role in the promotion and protection of human rights worldwide, it must adhere faithfully to the mandate handed down to it by the General Assembly in its resolution 48/141. He concluded by expressing his Group's appreciation of the hard work done by all those responsible for the functioning of the Commission and stressed that his comments were merely intended to propose ways to improve its efficiency.

80. Mr. SHA Zukang (China), having endorsed the specific proposals on the organization of work put forward on behalf of the Like-Minded Group and the Asian Group, said that the biggest problem facing the Commission was the practice of pursuing political confrontation in the name of human rights. Some countries or groups of countries, for domestic political reasons, made wanton accusations against other countries, which led to unproductive confrontation and reduced the credibility of the Commission in the eyes of the developing countries.

81. The kind of spirit of international solidarity and cooperation shown after the terrorist attacks on the United States of America on 11 September 2001 was also needed in the field of human rights. Indeed, there were signs of a more positive atmosphere in various international forums, including the Working Group on the Right to Development, and he hoped that the current session of the Commission would benefit from that trend.

82. The Commission should pay more attention to the needs of the developing countries and to the promotion of economic, social and cultural rights and the right to development, which were not adequately reflected in its agenda. Moreover, the approach to the promotion of those rights could not simply be a copy of the approach to the promotion of civil and political rights. The international community should help the developing countries to remove the obstacles to the realization of their economic, social and cultural rights, such as the unjust international economic, financial and trade order. Simply establishing monitoring mechanisms would not be sufficient.

83. The proliferation of parallel and night meetings made it difficult for delegations, especially those from small countries, to participate fully in the work of the Commission and should be curtailed. Working groups and rapporteurs could help the Secretariat to provide documentation on time by limiting their reports to the prescribed length.

84. The participation of NGOs in the work of the Commission also needed to be strictly regulated. While they provided valuable input, some of them had abused their status to the point of negating the purposes and principles of the Charter of the United Nations. Some individuals representing several NGOs spoke many times on the same agenda item, while government representatives and observers faced ever greater restrictions on the speaking time allocated to them.

Statements in exercise of the right of reply

85. Mr. DOGAN (Observer for Turkey) said that the arbitrary reference to his country by the Minister for Foreign Affairs of Sweden had been baseless, inappropriate and unacceptable. Turkey was a democratic country with elected representatives, not a dictatorship, as she had implied. Freedom of belief and expression was enjoyed and there was no discrimination on ethnic or other grounds. The Swedish Government seemed to have difficulty in distinguishing between human rights and terrorism: the only people "harassed" in Turkey were terrorists: their ethnic background - whether Kurdish or Turkish - was immaterial.

86. Mr. NAZARIAN (Armenia) said he regretted that, despite the Commission's determination to enhance the effectiveness of its proceedings, the representative of Pakistan had chosen to refer to issues unrelated to agenda item 3. Moreover, his comments, which included the unacceptable labelling of the region in which Armenia was situated, were misinformed. The representative of Pakistan was, however, correct in drawing a clear distinction between the right to self-determination and aggressive attempts at secession. The Nagorny Karabakh region was a good example of the latter.

87. Mr. ASADOV (Observer for Azerbaijan) said that it was well-known that his country had for 40 years been suffering from aggression by Armenia, whose armed forces were responsible for crimes against humanity in which thousands had been killed or wounded. Over 1 million inhabitants of Azerbaijan - one person in eight of the population - had been forced to live in refugee camps or other temporary shelter. His Government was doing its utmost to mitigate the impact of Armenian aggression, for which the representative of Armenia yet again sought to avoid responsibility.

88. Mr. NAZARIAN (Armenia) said that the sole purpose of the remarks by the observer for Azerbaijan seemed to be to discredit Armenia, Nagorny Karabakh and the entire peace process being conducted by the OSCE. It was unethical to make defamatory statements to the Commission, politicizing the debate from the outset, at a time when members were attempting to focus on agenda item 3. The observer for Azerbaijan should refrain from provocative statements and turn his attention to the issues under discussion.

89. Mr. ASADOV (Observer for Azerbaijan) said that the acceptance by the Armenian Parliament in 1989 of the annexation of a part of Azerbaijani territory did not tend to support Armenia's contention that it had no territorial claims on Azerbaijan. It was to be hoped that the Government of Armenia would pay due consideration at last to the destiny of a people longing for justice.

90. The CHAIRPERSON appealed to the members of the Commission to observe their own regulations and adhere strictly to the agenda item under consideration.

The meeting rose at 1.05 p.m.